

REMARKS

The Office Action of March 9, 2005 has been received and its contents carefully considered.

Claims 1-8 are pending in this application. Claims 1-8 are amended, and new claims 9-12 are added herein. Claim 1 remains the sole independent claim in the application.

In the Office Action, claims 1-8 are rejected under 35 U.S.C. 103(a) as being obvious over Matsumoto et al., U.S. Patent No. 6,272,332 ("Matsumoto"). The rejection is respectfully traversed.

The present application is directed to a system for charging for data services provided over a network. Figure 1 of the application's drawings shows a plurality of client apparatuses (4A-4F) and a plurality of first processing apparatuses (3A-3C), each of which connected to at least one of the client apparatuses. The first processing apparatuses are connected to the network (1), along with a server apparatus (2), a charging apparatus (5), and a second processing apparatus (6). The server supplies service information to a client apparatus via one of the plurality of first processing apparatuses. The first processing apparatus generates charge information based on the service information with respect to a corresponding client apparatus, and stores the generated charge information. The second processing apparatus has a cyclic unit (90) which circulates via the network among the plurality of first processing apparatuses according to a specified circulation order, collects the information for charging accumulated in each of the first processing apparatuses as it circulates among them, and provides the collected information for charging to the charging apparatus.

In the Office Action, the Examiner points to Matsumoto as disclosing a charging system according to claim 1, including "a plurality of client apparatuses each of which is connected to a network (Figs. 1-16); a server apparatus (Abstract) which provides at least one service to said plurality of client apparatuses via said network (Abstract, i.e. portable communication terminal is a client apparatus); a charging apparatus connected to said network in order to make a charge regarding the

provision of said service (col. 10, lines 40-55); a plurality of first processing apparatuses which are provided for said network in order to control the provision of said service from said server apparatus to said client apparatuses and accumulate information for charging by said charging apparatus with respect to said service when said service is provided to said client apparatuses via said first processing apparatuses (col. 10, lines of 15-45); and a second processing apparatus (col. 11, lines 10-40) [which] circulates among said plurality of first processing apparatuses via said network, collects the information for charging accumulated in each of said first processing apparatuses (column 10, lines 40-55), and provides said collected information for charging to said charging apparatus."

The Examiner acknowledges that Matsumoto does not explicitly disclose a second processing apparatus "which has a cyclic unit." However, the Examiner points to Matsumoto Fig. 1, items 201 and 301 of Matsumoto, and asserts it is clear the data is being circulated from the data server to the public line network and back again. The Examiner argues it would have been obvious to one of an ordinary level of skill in the art to employ a cyclic unit to get the benefit of transmitting data around the network, and charging for the data.

The Applicant respectfully disagrees with the Examiner's arguments. What the text and figures referenced by the Examiner disclose is that the system in Matsumoto "is further provided with a charging device at the telephone station [i.e., item 201c in Figs. 1 and 7] for charging a line utilization fee for the communication line and charging a data presentation fee for the information data instead of the data server with respect to the portable communication terminal apparatus. Accordingly, the data presentation fee for information data is charged with respect to the portable communication terminal apparatus instead of the data server, by the charging device provided in the telephone station. Thus, it is possible to prevent the apparatus construction or the control method in the data server from being complicated, and it is possible to easily charge the appropriate data presentation fee in line with the data presentation amount of the necessary information for the user, which is convenient" (col. 10, lines 37-51).

The charging method employed in Matsumoto is described in further detail

with respect to one embodiment in column 28, lines 55-67, as follows:

“On the other hand, the telephone station 201c charges the line utilization fee and the data presentation fee, which is charged by deputy to the portable telephone apparatus 101.

When the fee is paid as for the portable telephone apparatus 101 associated with the charging operation, the fee collection is performed at the telephone station 201c. The data presentation fee collected by deputy is paid to the data server 301 after that the commission and the like are subtracted.

As a result of the above-mentioned process, the data server 301 can obtain a data presentation fee from the user of the portable telephone apparatus 101 through the telephone station 201c.” (See also figure 6).

A similar description of the charging function of the telephone station 201c is provided with respect to another embodiment at col. 37, lines 36-45. Thus, it is clear that charging and collecting in the system of Matsumoto is performed solely at the telephone station 201c. Contrary to be Examiner's position, Matsumoto fails to teach or suggest “a second processing apparatus which ... collects the information for charging accumulated in each of said first processing apparatuses ..., and provides said collected information for charging to said charging apparatus”, as claim 1 requires. The Examiner's alleged reference to a second processing apparatus in Matsumoto (col. 11, lines 10-40) is instead a discussion of “a second information presentation system” in which “all of the information data classified into a desire division can be read in collectively [to the portable communication terminal apparatus] just by specifying the telephone number, and it is possible after that to appropriately display the information stored in the first memory device [of the portable litigation terminal apparatus].” Nothing in this section of the material referenced by the Examiner relates to the charging system in Matsumoto.

The same appears to be true of the Examiner's assertion that Matsumoto discloses a “charging apparatus connected to said network in order to make a charge regarding the provision of said service.” Claim 1 recites that “the information for charging accumulated in each of said first processing apparatuses” is collected, and “said collected information for charging” is provided “to said charging apparatus.” Hence, the terms “first processing apparatus” and “charging apparatus” clearly refer to separate and distinct elements of the invention. However, the section in Matsumoto referenced by the Examiner as disclosing a “charging apparatus” (col. 10, lines 40-55) is the very same discussion of the charging device at the telephone station that the Examiner invokes to support the alleged disclosure of a “first

processing apparatus.” Moreover, Matsumoto fails to disclose or even suggest that this charging device at the telephone station 201c receives charging data collected from other telephone stations, as claim 1 would require.

With respect to the requirement in claim 1 of a “cyclic unit which circulates among said plurality of first processing apparatuses via said network” to collect “the information for charging accumulated in each of said first processing apparatuses,” the Examiner asserts, as we have noted above, “it is clear the data is being circulated from the data server to the public line network and back again”, and argues it would have been obvious to one of an ordinary level of skill in the art to employ a cyclic unit to get the benefit of transmitting data around the network, and charging for the data.

It is respectfully submitted that the “data” to which the Examiner is referring is the service information provided by the server in response to user requests, and not the “information for charging” which in the present invention is accumulated by the plurality of first processing units and collected by a cyclic unit from the second processing unit that circulates among the first processing units. As noted earlier, Matsumoto teaches only that the data presentation fee for information data is charged with respect to the portable communication terminal apparatus by the charging device provided in the telephone station. There is no suggestion in Matsumoto of a “cyclic unit” as that term is used in the present application, let alone a cyclic unit “which circulates among said plurality of first processing apparatuses via said network, collects the information for charging accumulated in each of said first processing apparatuses by the circulation of said cyclic unit, and provides said collected information for charging to said charging apparatus,” as claim 1 requires.

Each word in a claim must be given its proper meaning, as construed by a person skilled in the art. Where required to determine the scope of a recited term, the disclosure may be used. See In re Barr, 444 F.2d 588, 170 USPQ 233 (CCPA 1971). In the present application, the term “cyclic unit” refers to a computer program 90 stored in a storage unit 61 by the processing unit 62 of the managing apparatus (second processing apparatus) 6 (see Fig. 3; page 8, lines 4-12). In operation, the managing apparatus 6 causes the cyclic unit 90 to begin circulating among the router apparatuses (first processing apparatuses) 3A to 3C through the network 1 at a start time specified in a circulation list that is part of the cyclic unit. When the cyclic unit 90 reaches the router apparatus 3 through the network, the cyclic

unit 90 collects the charging information from a resident unit 80 of the router apparatus 3 and thereafter circulates to the next router apparatus specified in the circulation list. After collecting charging information from all of the routers on the circulation list, the cyclic unit 90 returns it to the managing apparatus 6 and the managing apparatus 6 transfers the charge information collected by the cyclic unit 90 to the charging apparatus 5 through network 1 (application page 11, lines 1-14).

Matsumoto discloses no similar functionality, either with respect to charging information or generally. With respect to a first embodiment, for example, Matsumoto discloses that telephone station 201c establishes line communication between the portable apparatus 101 and the data server 301 in response to dialing from the portable telephone apparatus. When the line is connected, stock information data for the company corresponding to the in the industry division code or the classified company stock code sent by the portable telephone apparatus 101 is searched from the accumulated stock information database by the data server 301 and is data outputted (transmitted) to the public line network 201. The telephone station transmits the stock information data outputted by the data server 301 to the portable telephone apparatus 101. In parallel to this data-sending operation, the telephone station 201c charges a line utilization fee and a data presentation fee to the portable telephone apparatus 101 by using a charging device which is part of the telephone station (see Matsumoto col. 28, lines 21-39). Thus, it is clear that transmission of data in Matsumoto is a simple, direct process that occurs in response to requests from the portable telephone apparatus, and that Matsumoto fails to teach or suggest any form of software in the nature of a "cyclic unit" that circulates according to a circulation list to collect and carry data, either service information or charging information, between elements of the system.

For at least the foregoing reasons, it is respectfully submitted that claim 1, as well as claims 2-8, patentably distinguish over the applied prior art.

Without prejudice to the traversal of the Examiner's rejection, claims 1-8 are amended to eliminate unnecessary limitations, principally in claim 1, and in general, to more clearly recite the claimed invention. New claims 9-16 are added to recite features and limitations disclosed in the application, but not covered by amended claims 1-8. The applicants believe it should be clear from the preceding discussion that amended claims 1-8 and new claims 9-16 patentably distinguish over the applied prior art.

In summary, it is respectfully submitted that the application, as now amended, is in condition for allowance, and a notice to that effect is earnestly solicited.

Should the Examiner feel that a conference would help to expedite the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange such an interview.

Respectfully submitted,



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